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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MERCK & CO., INC.

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

Civil Action No. 06-2484 (WHW)(MF)

**~~PROPOSED~~ ORDER**

*Document filed electronically.*

Pursuant to a status conference held on March 13, 2007 before Magistrate Judge Hedges, and after consulting with the attorneys of records for the parties and being advised of the status of the cases, and for good cause showing,

**IT IS HEREBY ORDERED THAT:**

1. Pursuant to Fed. R. Civ. P. 15(a), an amended complaint upon consent of all parties shall be filed by March 30, 2007, subject to any jointly agreed upon conditions thereto.
2. Plaintiff shall provide further description of discovery requested from the suppliers of active ingredient to the Defendant related to manufacturing and research and development for the process described in DMF No. 18327 submitted to the FDA by Assia Chemical Industries Ltd. by March 20, 2007. Defendant to advise Plaintiff of supplier's position regarding said production by April 3, 2007.

3. If it becomes necessary, the Court, upon application of Plaintiff, and for good cause shown, shall issue an Order to the appropriate judicial authorities in foreign countries to cause suppliers of the active ingredient to Defendant to produce discovery of appropriate scope related to manufacturing and research and development for the process described in DMF No. 18327 submitted to the FDA by Assia Chemical Industries Ltd. The Court reserves its decision regarding any inspection of manufacturing facilities.

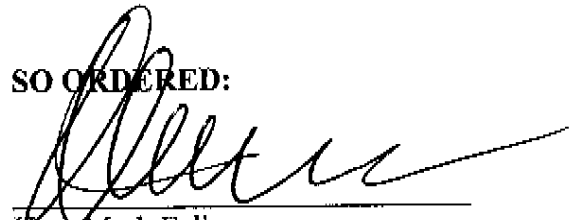
4. Pursuant to Fed. R. Civ. P. 30, depositions in the action may be conducted by all parties.

5. All fact discovery shall be completed by September 28, 2007.

6. A status conference <sup>via telephone</sup> with the Court is set for October 10, 2007 at

~~11:00~~  
10:00 A.M.

SO ORDERED:



Hon. Mark Falk  
United States Magistrate Judge

April 20, 2007